

APPENDIX 1

DONZIGER MAIL AND WIRE FRAUD VIOLATIONS (18 U.S.C. §§ 1341, 1343)

MAIL AND WIRE FRAUD APPENDIX:
1. DONZIGER'S MANAGEMENT OF HIS TEAM

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
1.	9/16/2004	David Russell	Donziger	Donziger instructs Dave Russell via email to conceal certain payments made to team members: "ignore the protocols issue for now if you need to ... when you give luis or his people anything out of your budget keep it totally confidential where only you and perhaps other person should know. this is completely sensitive for many reasons you are not aware. please reassure me. information control is critical."	PX 698
2.	1/28/2005	Atossa Soltani, Kevin Koenig, Leila Salazar- Lopez	Donziger	Donziger emails Amazon Watch personnel instructing them to defer to his control over the contents of press releases: "I am an expert in writing these things and I do them carefully for maximum effect for multiple audiences and even if you think there is a better way try to defer to me on this one."	PX 716
3.	2/13/2006	Alejandro Ponce Villacís	Donziger	Donziger emails Alejandro Ponce Villacis instructing him to offer money to Gustavo Pinto and Fernando Reyes: "Do not forget call Gustavo and Fernando per my email a week ago. You have to offer them contribution carefully."	PX 1754 at 1
4.	2/27/2006	Pablo Fajardo	Donziger	Donziger gives Fajardo "extensive" comments on his motion because, he says, "I think that this motion will be critically important to our fight."	PX 7550

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5.	9/20/2006	Russ DeLeon	Donziger	Donziger emails Russ DeLeon, asking him to invest in <i>Crude</i> . "The basic terms are: 1) The investors get their money back parri passu out of all revenues until they have recouped 120% of their investment; 2) then, all revenue for the life of the movie gets split 50% to the filmmakers and 50% to the investors.... The last part of the budget -- about 25% of it, or roughly \$300,000 -- is still open and time is of the essence ... this case is taking up almost all of my time at the moment -- if we can pull it off, it would be huge (the real upside is the legal fees just in case that interests you)."	PX 793
6.	11/9/2006	Jennifer Ciplet, Atossa Soltani	Donziger	Donziger instructs Amazon Watch to post his press releases more quickly and without significant editing, "I know most releases I send do not take much editing and I also know the press releases on the Ecuador campaign are not a terrible work burden to AW because I am writing most of them."	PX 808
7.	5/24/2007	Atossa Soltani, Simeon Tegel, Kevin Koenig, Jennifer Ciplet, Bill Powers	Donziger	In response to Atossa Soltani's email about the inaccuracy of the Exxon Valdez contamination figure, Donziger instructs Amazon Watch that "Bill is incorrect. We have checked this with a number of people."	PX 861
8.	8/24/2007	Simeon Tegel, Mitch Anderson, Atossa Soltani,	Donziger	Donziger emails Simeon Tegel, copying Mitch Anderson, Atossa Soltani and Kevin Koenig, instructing them that he has ultimate authority over the dissemination of information: "In a nutshell, nobody at AW -- including you,	PX 906 at 1

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		Kevin Koenig		who has never even visited Ecuador with regards to the case -- is in a position to make sophisticated editorial judgments about subtle points in our press releases that have to do with rapidly moving events on the ground that we live with everyday and that you are far removed from ... We can be collaborators, but we are not equal partners. This is an important distinction."	
9.	1/28/2008	Donziger	Luis Yanza	Yanza asks Donziger for a transfer to the secret account, stating, "I suggest that you deposit 25 thousand."	PX 963
10.	3/30/2008	Donziger	Douglas Beltman	Beltman and Donziger discuss revisions to the damages figures. Donziger later testified, "I often looked and commented on and edited material Stratus was drafting."	PX 1018; 12/22/2010 Donziger Dep. 1509:17-20
11.	6/6/2008	Donziger, Juan Pablo Sáenz, Julio Prieto, Luis Yanza, Renato Garcia	Pablo Fajardo	Fajardo emails Saenz, Prieto, Yanza, Renato Garcia, and Donziger, saying: "Guys, according to the order, we have to reply to a five-day motion, i.e. tomorrow Friday. Is this done? Is Julio signing? See you on Tuesday in Quito." Saenz responds that he and Prieto are handling the motions. In response to Saenz's email, Donziger writes, "Juampa Get this done on time and don't fuck up please."	PX 1038
12.	3/1/2009	Douglas	Donziger	Donziger tells Beltman that the Exxon Valdez figure comes from "[m]y own calculations. If that doesn't suffice then	PX 1110 at

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
		Beltman		kiss my butt.”	1
13.	5/5/2009	Karen Hinton	Donziger	Karen Hinton emails Donziger: “I cannot believe you would play so fast and loose with something like this letter from Cuomo. This is really inexcusable. I stick my neck out to get Andrew [Cuomo] to do this for you, my client, and then this is the way you repay me. Andrew has no interest in doing this. He is doing this for me. Because I asked. Have you given the letter to Lehane? I am hoping not, but if you have, tell me. Cohen will kill me if he finds out this letter is in Lehane's hands. Has the letter gone to a wire service reporter. If so, who? If not, then do NOT give it to a wire service reporter yet. Let's play this out. I got you the WSJ article, even though you thought it would never happen. There are people in this world -- other than yourself -- who know how to get things done. I know that's hard for you to believe, given your own incredible fascination with yourself.” Donziger responds, “Lehane does not have the letter. He suggested an AP reporter in New York to whom I sent the letter and this reporter, whose name is David Caruso, is supposedly doing something that will go on the wires tomorrow morning. . . . I have every right to consult with people who advise me on this case.” Hinton writes, “U should have enough respect for me and my involvement in making this letter happen. U r not trustworthy.”	PX 1133
14.	7/2/2009	Joseph Kohn	Donziger	Donziger sends the KSG legal team a memo, explaining his own authority over the Ecuadorian team and his role as a conduit from the U.S. legal team to the Ecuadorian team:	PX 1146

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				<p>"All of us work on this on a full-time basis and we speak among ourselves frequently. We also manage he [sic] client relationships and in my case I have raised significant funds for both the case in chief and ancillary activities. All activities from KSG must be coordinated through this process, which in practice means coordinated through me. ... [Kohn's firm] needs to be focused on discrete tasks within the existing structure, not overall management. . . . The key leverage point we have at this point is our ability to threaten Chevron's cash position – i.e., to get their money without going through a lengthy appeals process that drags this out for years."</p>	
15.	3/10/2010	Pablo Fajardo, Donziger, Luis Yanza, Laura Garr, Juan Pablo Sáenz	Julio Prieto	Prieto asks for comments regarding a motion for submission in Ecuador in connection with efforts to obstruct the Stratus 1782 proceedings.	PX 8057 at 1
16.	5/12/2010	Russell DeLeon	Donziger	<p>Donziger emails DeLeon asking for additional funding:</p> <p>"Going forward on the next round of case investment, there is clearly going to be at least two to four weeks or so before we can pull it together with the other investors. In the meantime, our needs are pressing. Would you consider a situation where you could advance my law firm asap some or all of your limited investment so I could take care of these pressing expenses?... We are talking about a total of \$250,000 or so."</p>	PX 1344

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17.	5/27/2010	Andrew Wilson, Eric Westenberger, Jonathan Abady, Ilann Maazel, Eric Daleo, Edward Yennock, Ingrid Moll, Mathew Jasinski	Donziger	In a discussion regarding whether to appeal in the 3TM action, Donziger advocates a strategy of continued obstruction: "I think we should appeal on the theory that we gain a greater advantage by fighting them on everything, and tying them up, than in conceding any one thing even if we expect to ultimately lose that one thing down the road. I could be convinced otherwise but I think it important we adhere to that fundamental principle of our strategy as outlined by Jim [Tyrrell] at the meeting a few weeks ago."	PX 1360
18.	7/19/2010	Julio Prieto	Donziger	Donziger requests a copy of a draft Ecuadorian motion: "When is a draft of the motion mentioned below going to be ready? We'd like to read it asap."	PX 8058 at 1
19.	9/20/2010	Juan Pablo Sáenz	Donziger	Donziger instructs Sáenz and others "Let's not do anything rash please" in response to efforts to attack the Cabrera fraud.	PX 7465
20.	10/20/2010	Andrew Woods	Donziger	Donziger instructs Andrew Woods to refrain from using his name in future press releases: "[F]rom this point forward, when sending out releases, remove my name and address from bottom."	PX 1448

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21.	1/11/2011	Luis Yanza	Donziger	On January 10, Yanza emails Donziger, telling him he is available to talk all day, "but the most urgent thing today is the wire transfer." The next day, Donziger transfers \$35,000 to the Selva Viva account.	PX 1469; PX 586 at 235; PX 4900 (Dahlberg) ¶ 50

MAIL AND WIRE FRAUD APPENDIX:

2. FORGERY OF CALMBACHER REPORTS

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
22.	1/30/2005	Edison Camino, David Russell	Donziger	Camino emails Russell copying Donziger and Wray regarding the Calmbacher report: "Attached is the letter to [be] signed by Chuck, 10 originals. This letter will be the first page of the Report of Perito to present in Court next tuesday [sic] 01.02.05. Each page of this report must have an initial (short sign) of Chuck, this should be bottom left or right. It will be necessary 250 pages with initial." Camino instructs Russell to send them to his attention via DHL. Donziger replies in order to address the logistics of getting Calmbacher's signature pages to Ecuador in connection with the fraudulent Calmbacher report: "I remind you that dhl will not work if we are to meet the tuesday deadline. dave must bring these down personally on monday for us to meet the deadline. i have asked alberto for his advice."	PX 718
23.	2/4/2005	Lago Agrio Court	Defendants	The Ecuadorian Plaintiffs file with the Lago Agrio court a report in the name of Dr. Charles Calmbacher, one of the Plaintiffs' judicial inspection experts. Dr. Calmbacher later testified under oath that he never authorized or signed this report.	PX 249; 3/29/2010 Calmbacher Dep. 112:1– 8, 114:1–11; PX 3300 (McMillen) ¶¶ 19–20
24.	2/7/2005	Donziger	Edison Camino	Camino emails Donziger regarding the blank signature pages for the Calmbacher report arriving in Ecuador in	PX 719 at 2

MAIL AND WIRE FRAUD APPENDIX: 2. FORGERY OF CALMBACHER REPORTS

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				furtherance of the fraudulent submission of the Calmbacher report, "The blank pages signed by Chuck arrived. We have the Report for Sacha 94 ready in the computer. We have to print it. We will do it this weekend. We will send it to the Court on Friday."	
25.	3/1/2005	Donziger	Russell	Russell describes delivering Donziger's threat to Calmbacher in order to facilitate the filing of the fraudulent Calmbacher report: "I communicated your threat to Calmbacher before I left for Chicago. I also advised him that it was in his interest to comply by signing the documents and sending them to you. I don't know what is happening. Perhaps you better give him a call. . . . At this point I believe that the ball is in your court. I have done all that I can. I don't have any hold over Chuck to convince him to do what you want him to do." Donziger responds that he "will take care of it[.]"	PX 721; <i>see also</i> PX 3200 (Russell) ¶ 28
26.	3/3/2005	Charles Calmbacher	Donziger	Donziger instructs Calmbacher to "fedex to me overnight for friday delivery a repeat of the papers you sent last time. . . i am leaving saturday for ecuador and will take it down with me."	PX 722
27.	3/8/2005	Lago Agrio Court	Defendants	The Ecuadorian Plaintiffs file with the Lago Agrio court another report in the name of Dr. Charles Calmbacher. Dr. Calmbacher later testified under oath that he never authorized or signed this report.	PX 250; 3/29/2010 Calmbacher Dep. 116:11–

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
					117:5; PX 3300 (McMillen) ¶¶ 19–20

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3. CABRERA GHOSTWRITING FRAUD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
28.	7/26/2006	Joseph Kohn	Donziger	Donziger updates Kohn that the Ecuadorian team is “gaining back some ground” after “Pablo met with judge today” and describes the plan to blackmail the judge into canceling the judicial inspections: “The judge, who is on his heels from the charges of trading jobs for sex in the court, said he is going to accept our request to withdraw the rest of the inspections save the four we still want to do The judge also I believe wants to forestall the filing of a complaint against him by us, which we have prepared but not yet filed. The judge told Pablo that the Texaco lawyers came by the other day to urge him to make us do all the inspections. The judge told Pablo they were very nervous about the peritaje global.”	PX 785
29.	11/22/2006	Donziger	Luis Yanza	In response to Donziger’s instruction that the team should “set the date to request the Global Assessment as soon as possible,” Yanza confirms that “we have to lobby the judge so that he’s clear on the Global Assessment.”	PX 811 at 1
30.	12/21/2006	Donziger	Pablo Fajardo	Donziger writes to Fajardo and Yanza instructing them that “it is very important that we get the order about the global assessment as soon as possible.” Fajardo updates Donziger on his <i>ex parte</i> meeting with the judge: “I met with the Judge today, and I can say that he will definitely not issue the order before the recess; he will issue it immediately afterwards.”	PX 815 at 1–2

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
31.	1/9/2007	Donziger, Julio Prieto, Juan Pablo Sáenz, Luis Yanza	Fajardo	Fajardo updates Donziger about his meeting with Judge Yáñez, using code names: "I had a short meeting today with the Big Boss (you know who I'm talking about) [Yáñez]; we discussed the start of the Global Assessment." Fajardo continues: "[W]e have approximately one month to totally and absolutely define all the details of the Global Assessment."	PX 821
32.	3/21/2007	Donziger	Fajardo	Fajardo emails Donziger a plan for Defendants' drafting of the Cabrera report, and assigns tasks to specific individuals, such as "Select sites for Expert Examination study," "Configure database for laboratory results," "Create expert reports," and "DELIVER REPORT TO THE COURT." The plan assigns Stratus the job of preparing a draft of the report that is to be attributed to Cabrera. The plan also includes a detailed "Site plan for the Global Expert Examination."	PX 843
33.	3/26/2007	Donziger	Fajardo	After Donziger demands a plan for avoiding the appointment of anyone other than Cabrera, Pablo Fajardo responds, "The Lago Agrio messenger is waiting to meet this afternoon with the cook, to listen to his position. I suggest that the heads of Quito, Lago Agrio and NY talk at six thirty, Ecuador time. By this time the messenger will already have some news regarding what the cook is saying."	PX 845

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34.	4/3/2007	Donziger	David Chapman	Donziger requests information about who would actually write the Cabrera report and how much it would cost, and David Chapman from Stratus responds, "I think the way this would work best is that if Stratus did much of the work, putting the pieces together and writing the report. However, we would have to rely upon some in-country experts for specific areas such as forest ecology, cultural economics etc. . . . How much it will cost depends in part on how much time we have to do the work."	PX 847
35.	4/10/2007	Josh Lipton, Ann Maest	Donziger	Donziger asks Stratus whether it is able to help with the global damages assessment: "Ann Maest suggested I write to reconnect about the Ecuador case against Chevron The case is winding down fast, and we need to prepare a damages assessment. We have a pretty deep need for some additional expertise that Stratus might be able to help us with It would help be the basis to justify a major damages claim, probably in the many billions of dollars, against Chevron --one that might be the highest ever against an oil company."	PX 848; PX 5200 (Lipton) ¶ 13
36.	4/17/2007	Donziger	Luis Yanza	Yanza assures Donziger that the LAP team had met with and paid Cabrera: "We have met with Richard [Cabrera] and everything is under control. We gave him some money in advance."	PX 850

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
37.	5/10/2007	Pablo Fajardo	Donziger	In response to Fajardo's update that he "met with the boss. . . Everything is alright, at least that's how we left things. . . Next Monday or Tuesday he will issue the order that the expert be notified of his appointment. There is no turning back, he will ratify Richard and everything that's been ordered," Donziger instructs Fajardo: "[W]e need the following . . . 2) to think of anything Richard could do AGAINST us to prove his independence; 3) to try to find ways to keep Texaco from finding out much about his plan and his work; 4) to seek third parties (through Reyes) to defend Richard, if necessary. This is vital."	PX 858 at 1
38.	6/13/2007	Luis Yanza, Pablo Fajardo	Donziger	Donziger instructs Fajardo and Yanza to "inform the judge now that we're going to have the big march and maybe ask for his recusal during that march so that he'll get scared now," and also asks for updates on "the swearing in of Richard."	PX 872
39.	6/22/2007	Donziger	Pablo Fajardo	Fajardo emails Donziger directions on how to use a set of codenames and alternative email addresses: "ACCOUNT": "Hello Lagarto 3, To learn about the plan, you have to access: 1. Access Hotmail 2. The address is: examen_pericial@hotmail.com 3. The password is: Cvx.666[.] Please do not insert any names in the document; just identify yourself as Lagarto 3. If you make a copy of the plan, don't E-mail it to anyone. Regards, Lagarto 2"	PX 874

MAIL AND WIRE FRAUD APPENDIX: 3. CABRERA GHOSTWRITING FRAUD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
40.	6/28/2007	Richard Cabrera	Defendants	Fajardo files a document in Lago Agrio confirming that the LAPs paid Cabrera a court-approved payment of \$59,349, through Selva Viva. The LAPs paid Cabrera for work that he did not perform.	PX 344
41.	7/11/2007	Donziger, Pablo Fajardo	Julio Prieto	The LAP team discusses how best to purchase a \$1 million life insurance policy for Cabrera and uses the codename “the Wao” to refer to Cabrera.	PX 881
42.	7/26/2007	Donziger	Luis Yanza	Yanza updates Donziger about payments to Cabrera and the need for additional money from Kohn: “Everything is going well. It is under control there at the court. Tonight I have to coordinate the new request for money with the huao [Cabrera] in order to continue the work. . . . I estimate that we have to give the expert no less than 50 thousand now, plus the other security expenses[.]... we will already have almost nothing from the last 100 ... we need to review the budget, please, so that you can ask Jk to send another sum.”	PX 888; PX 4900 (Dahlberg) ¶ 116a
43.	8/9/2007	Donziger	Luis Yanza	Yanza sends Donziger the bank account information required for Donziger to arrange for the transmission of \$50,000 for payment to “Huao.”	PX 894; PX 2482
44.	8/14/2007	Joseph Kohn	Donziger	Donziger forwards the account information for the payment to Cabrera to Kohn, instructing him to “Pls [sic] transfer 50,000 to the following account in Ecuador.” Donziger	PX 895; PX 896; PX 897; PX

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				explains that the money is for a “separate case-related piece of work that is being run by the Frente. The Frente created Selva Viva simply as a pass thru mechanism to administer funds for the litigation; the Frente controls Selva Viva. This separate account will be used for same purpose under the same control of the Frente and Yanza, and will be accounted for the same way with receipts.”	4900 (Dahlberg) ¶ 116; PX 5600 (Kohn) ¶ 39; <i>see also</i> PX 2139; 1/8/2011 Donziger Dep. 3093:25– 3095:10, 3096:15– 3098:12; Tr. (Dahlberg) 883:25– 887:2
45.	8/17/2007	Richard Cabrera	Amazon Defense Front	Jose Fajardo and Marisol Asimbaya, employees of the Amazon Defense Front, arrange an account-to-account transfer from the account held in the name of the Amazon Defense Front ending in 9800, the secret account, to the account held in the name of Richard Stalin Cabrera Vega ending in 1700, in the amount of \$33,000.	PX 578 at 6; PX 590; PX 591; PX 593; <i>see</i> <i>also</i> PX 2139; PX 4900 (Dahlberg) ¶116; PX 5600 (Kohn) ¶¶

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
					78–80; DX 1750 (Donziger) ¶¶ 98–99
46.	9/12/2007	Donziger	Luis Yanza	Yanza asks Donziger for \$50,000, explaining that they will need to pay the “Wuao [sic],” or else “the work stops” on the global assessment. “[P]lease explain this situation to [Kohn] so that he transfers [\$]30[,000] to the secret account and [\$]20[,000] to SV [Selva Viva], but he can send all 50 to the secret account and then we’ll pass the 20 on to SV to shorten the paperwork process and time.”	PX 913; 3/23/2011 Donziger Dep. 4411:24– 4414:2; Tr. (Donziger) 2652:15–19
47.	9/12/2007	Donziger	Luis Yanza	Yanza gives Donziger the account information for the “secret account” to facilitate payments to Cabrera and requests \$50,000: “Steven, The account number is: 39324298-00. The code to deposit in the US is: PICHECEQ. AMAZON DEFENSE FRONT [FRENTE DE DEFENSA DE LA AMAZONIA] Bank Name: PICHINCHA, LAGO AGRIO BRANCH (NUEVA LOJA). This information is in [Kohn’s] office from the previous transfer. We need 50,000 more by next Monday at the latest.”	PX 912
48.	9/16/2007	Mark Quarles	Donziger	Donziger sends an email to Mark Quarles attaching a draft of the Quarles declaration to be submitted in the SDNY before Judge Sand. The draft declaration—as well as	PX 915

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				Donziger's comments—misrepresent Defendants' contacts with Cabrera: "'I would delete para[graph] in favor of the following language, if true: Mr. Cabrera has at all times acted independently from both the plaintiffs and the defendant. At no time has Mr. Cabrera entertained suggestions or even met with plaintiffs or their representatives regarding his current work plan.'"	
49.	10/22/2007	Richard Cabrera	Defendants	In a court order, the Ecuadorian court adds to the record Fajardo's filing of October 10, 2007 with the US \$47,000.00 payment to Cabrera and Cabrera's filing of October 15, 2007 and writes, "Regarding its content, without prejudice to ordering the plaintiffs to proceed to make that payment, since the supporting documents exist, the Expert has three days to report on the compliance with the instructions given by the Judge regarding treatment of the control sample." The court also orders: "Regarding Mr. Ralph Márquez's comments, serve a copy on Expert Cabrera so that he may observe them to the extent relevant to the expert examination. In addition, the expert must support his work with the most appropriate scientific methodologies and procedures and guarantees disclosure of the evidence and transparency. Likewise, he shall be receptive to Mr. Márquez's suggestions and all those that are proper for guaranteeing the transparency and impartiality of that work."	PX 352 at 1, 8, 10
50.	11/16/2007	Douglas Beltman	Donziger	Donziger tells Beltman that his preliminary report on Chevron's avoided costs "sounds awfully low." Beltman replies with a more thorough explanation of the	PX 936

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				methodology. Donziger warns Beltman not to “say or even suggest anything that backs away from the [LAP Team’s] figures.”	
51.	1/24/2008	Donziger, Ann Maest	Douglas Beltman	Beltman sends Donziger and Maest the first version of the outline of the global assessment; for the majority of the tasks listed, Beltman indicates that Stratus or Stratus and its subcontractors will perform the work without any input from Cabrera.	PX 962
52.	2/8/2008	Donziger	Douglas Beltman	Beltman sends Donziger a chart titled “List of Annexes for PG Report” with columns for “Who will prepare” and “Attribution in PG Report.” The chart lists Stratus as one of the parties responsible for preparation of more than half of the chart entries, but never lists Stratus as an attributed source. Indeed, many entries in the Attribution column list “Richard” alone.	PX 2433
53.	2/26/2008	Michael Carney, Ann Maest, others	Douglas Beltman	Beltman sends an updated list of the outstanding assignments, saying, “Here is a list of all of the pieces that we have to have written by the end of next week. In our meeting of a week and half ago or so, I said that we needed half done by this Friday. The reason is that after we draft them, they need to be reviewed in English, translated into Spanish, and reviewed by multiple people in Spanish. At that time I didn’t specific [sic] which of the annexes we should have finished this week, but I’m going to assign some now. ... The summary Peritaje Global report (~50	PX 976

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				pages ... is what I will be working on mostly, and it will take most of my time over the next two weeks.”	
54.	2/27/2008	Douglas Beltman	Donziger	Beltman sends a draft of what ultimately becomes Annex K to Donziger, along with a “rough start of the Peritaje Global report,” and asks Donziger if he is “on track in terms of tone, language level, and content. He also says: If you have specific edits, great - but I haven't really read through it myself. It's more about tone, pace, and feel.” Donziger replies: “I think it's working. Keep going.”	PX 979
55.	2/29/2008	info@translatingspanish.com	Douglas Beltman	Beltman emails translator with English draft of “Human.Tox.Annex” and “LA HUELLA DE LA TEXACO” annex to translate into Spanish.	PX 980
56.	3/31/2008	Cristina Cadena	Donziger	Donziger Cristina Cadena a “Table of Calculated Damages/Main Report” with a damages grand total of \$16,330,608,279.	PX 1019; PX 1020; <i>see also</i> 1/8/2011 Donziger Dep. 2507:24– 2508:7
57.	4/1/2008	Donziger	Cristina Cadena	Cristina Cadena forwards a Microsoft Word copy of Final Cabrera Summary Report in Spanish to gringograndote@gmail.com . The report is then forwarded	PX 1017; PX 1022; PX 1024;

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NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				to Donziger, then to Beltman and Maest. The file is named, "Informe Sumario Version Final(Steve).doc."	PX 1025; <i>see also</i> PX 3300 (McMillen) ¶ 58; PX 4100 (Lynch) ¶¶ 3a, 8–10, 15–19
58.	6/2/2008	Joseph Kohn	Donziger	Donziger sends Joe Kohn a draft response to Cabrera's report misrepresenting Cabrera's independence: "Based on our review, we conclude that the Special Master's report is backed by a significant quantity of data provided by both Chevron and the plaintiffs, is scientifically defensible, is unbiased, and provides a balanced perspective on the competing interpretations of the litigants."	PX 1037 at 1–2
59.	10/27/2008	Ann Maest, Douglas Beltman	Jennifer Peers	Peers tells Maest and Beltman that Tania Naranjo requested "an update on where we are in responding to a set of the questions to the Perito [Expert] assigned to us." Peers acknowledges that the responses have to be framed to create the illusion that they were written by Cabrera: "In summary, the questions assigned to us fall into 5 categories: some that are unanswerable in the timeframe We are recommending that the Perito respond with a statement that he recognizes that these costs were not included . . . I will ask Brian to clean up the language so it sounds more like the Perito and less like a comment." Beltman responds with	PX 1073

MAIL AND WIRE FRAUD APPENDIX:

3. CABRERA GHOSTWRITING FRAUD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				skepticism about Stratus's ability to address all of the requests regarding additional cost calculations within the existing time constraints.	
60.	12/1/2008	ChevronToxic o	Amazon Defense Coalition	A press release published on the ChevronToxico website by the Amazon Defense Coalition cites Cabrera's new damages calculation of \$27 billion, referring to "the independent expert report . . . prepared by Richard Cabrera." Beltman is quoted as saying, "The \$27 billion number is reasonable when one considers the extent of the damage caused by Chevron and the decades that the soil and water relied upon by tens of thousands of people have been exposed to hydrocarbons." The press release also says that "Beltman and Dr. Ann Maest, also a scientist at Stratus, said any clean-up funds in Ecuador will have to be used to remediate soils, rivers, streams, and groundwater over a 1,700 square mile area"	PX 516#
61.	12/13/2008	Andrew Woods	Donziger	Donziger instructs Woods to comment on his proposal for changes to <i>Crude</i> in order to excise elements of it that are harmful to the LAPs. On the issue of Cabrera, Donziger writes: "You must make it clear his charge was to review the entire trial record in addition to doing his own sampling, and that he worked with 14 scientists."	PX 2465
62.	4/14/2009	Luis Yanza	Donziger	After Yanza sends a budget including "partial payment on Wao debt," Donziger responds, telling Yanza that "the old guy can arrange an appointment with correa Should I	PX 1122

**MAIL AND WIRE FRAUD APPENDIX:
3. CABRERA GHOSTWRITING FRAUD**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				arrange it myself with alexis, together or with you?"	
63.	7/3/2009	Donziger	Luis Yanza	Yanza emails Donziger with the subject "very urgent" and says "we are paying Cabrera [\$]10[,000] today to calm him down."	PX 1147
64.	3/5/2010	Jeffrey Shinder	Donziger	Donziger emails Shinder falsely misrepresenting Cabrera's independence: "Jeff, Attached is a short memo on the state of play in Denver and our thoughts about how to deal with it." The memo states, "The key expert report in the Lago litigation was produced in preliminary and final form in April and November 2008, respectively, by Ecuadorian engineer Richard Cabrera. . . . [T]he selection of Cabrera was made independently by the court. . . . In response to Cabrera's request and the judge's order, plaintiffs submitted a packet of technical material, some of which was collected from various sources, but also included certain documents prepared by Stratus Consulting, plaintiffs out-of-court, confidential environmental advisors and experts. The exact scope of this submission remains unclear. Apparently some of it was formally entered as part of the record of proceedings in Lago (note: we are not sure Chevron knows this yet), but not necessarily all of it. We are told it was about 3,000 pages."	PX 1241
65.	3/30/2010	Donziger, Luis Yanza, Pablo	Julio Prieto	Prieto emails Donziger, Yanza, and Fajardo warning them that disclosing their communications to Chevron could expose them to criminal liability: "Today Pablo and Luis	PX 1279; 1/19/2011 Donziger

**MAIL AND WIRE FRAUD APPENDIX:
3. CABRERA GHOSTWRITING FRAUD**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
		Fajardo		were kind enough to tell us what was going on in Denver, and the fact that certainly ALL will be made public, including correspondence. From what you say we must prepare ourselves to minimize the effects . . . [T]he problem, my friend, is that the effects are potentially devastating in Ecuador (apart from destroying the proceeding, all of us, your attorneys, might go to jail), and we are not willing to minimize our concern and to sit to wait for whatever happens. For us it is NOT acceptable for the correspondence, the e-mails, between Stratus and Juanpa and myself be divulged”	Dep. 3362:7-16; 3363:8-20; 3387:22- 3388:4; Tr. (Donziger) 2572:12-17; PX 3100 (Bogart) ¶¶ 4, 14
66.	4/21/2010	Ilann Maazel, Andrew Wilson, Eric Westenberger, Steven Donziger, and others	Jonathan Abady	Abady emails co-counsel instructing them to make sure that the Chapman deposition scheduled for two days later be cancelled: “Not everyone was copied on the emails which followed this one in which we received the astonishing news that Marty is serving up someone from Stratis [sic] Friday for a deposition!!!! Not sure how this happened but Gibson is attempting to confirm travel for Friday. Urgent that the dep be cancelled immediately – tonight!”	PX 1292
67.	4/23/2010	Ilann Maazel, Eric Westenberger, Jonathan Abady, Donziger	Andrew Wilson	After Chapman’s deposition, Andrew Wilson of Emery Celli writes that “Chapman did an excellent job of not remembering anything – but Chevron will be able to do side-by-side comparisons of Stratus work product and [Cabrera’s] report to a judge that will smell bad,” and accordingly, “we need to be able to coordinate our witnesses based on our story.”	PX 1302

**MAIL AND WIRE FRAUD APPENDIX:
3. CABRERA GHOSTWRITING FRAUD**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
68.	5/5/2010	Eric Westenberger	Donziger	Westenberger emails Donziger: "Steve, it is accurate to say that we did not propose Cabrera for the global damages expert, correct?" Donziger responds: "Yes."	PX 1324
69.	5/5/2010	U.S. District Court, District of Colorado	Defendants	The LAPs file the "seriously misleading" Fajardo declaration in the Stratus 1782 action.	PX 1325
70.	6/1/2010	Jonathan Abady, Andrew Wilson, Ilann Maazel, Eric Westenberger	Donziger	Donziger warns that disclosure of Cabrera's verbatim adoption of the Stratus materials would be unwise: "There will be negative fallout in a number of areas. We could probably absorb it, but we need to probe what it means at a time we are trying to raise money and keep the shaky ship afloat. Might be better to be general but I too want to hear what people think."	PX 1364; PX 3100 (Bogart) ¶ 13
71.	6/14/2010	James Tyrrell, Eric Westenberger, Eric Daleo	Donziger	Donziger warns Patton Boggs that delaying the filing of the submission in Ecuador requesting leave to file supplemental damages reports would be harmful, because "there is an increasing risk that our 'cleansing' process is going to be outrun by the judge and we will end up with a decision based entirely on Cabrera. Absent our intervention ASAP, they believe the judge could issue autos para sentencia in about 3-4 weeks, which would in effect bar our remedy to the Cabrera problem."	PX 1370

**MAIL AND WIRE FRAUD APPENDIX:
3. CABRERA GHOSTWRITING FRAUD**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
72.	6/23/2010	Eric Westenberger	Donziger	Donziger asks when Patton Boggs will retain cleansing experts, noting, "We need to move on this...and once you choose a candidate or narrow the candidate(s), I would like the oppty to talk to the chap(s) with you." Westenberger responds: "Understood. We are moving on this hard."	PX 1384
73.	6/26/2010	U.S. District Court, Southern District of California	Defendants	The LAPs file the misleading Fajardo Declaration in the E-Tech 1782 action in the Southern District of California.	PX 1327
74.	6/28/2010	U.S. District Court, District of Columbia	Defendants	The LAPs file the misleading Fajardo Declaration in the District Court for Washington, D.C.	PX 2479
75.	8/18/2010	Donziger, Eric Westenberger, Jonathan Abady	Adlai Small	Small tells Donziger and the legal team that the cleansing reports should "address Cabrera's findings in such a subtle way that someone reading the new expert report (the Court in Lago or an enforcement court elsewhere) might feel comfortable concluding that certain parts of Cabrera are a valid basis for damages."	PX 1410
76.	8/23/2010	U.S. Court of Appeal for the	Defendants	The LAPs file the June 21, 2010 Lago Agrio submission in <i>Republic of Ecuador v. Chevron Corp.</i> , Case No. 10-1020	PX 2514

MAIL AND WIRE FRAUD APPENDIX:

3. CABRERA GHOSTWRITING FRAUD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
		Second Circuit		(2d Cir. Aug. 23, 2010).	
77.	8/24/2010	U.S. District Court, District of North Carolina	Defendants	The LAPs file the misleading Fajardo Declaration in the Champ 1782 action in North Carolina.	PX 1333
78.	8/25/2010	U.S. District Court, District of New Mexico	Defendants	The LAPs file the misleading Fajardo Declaration in the Kamp 1782 action in New Mexico.	PX 1332
79.	8/28/2010	U.S. District Court, Southern District of New York	Defendants	The LAPs file the misleading Fajardo Declaration and the June 21, 2010 Lago Agrio submission in the Donziger 1782 action.	PX 1331; PX 2516
80.	11/16/2010	U.S. District Courts: District of Vermont, District of Maryland, District of Massachusetts, Western District of		The LAPs file the misleading Fajardo Declaration in five U.S. district courts where Chevron filed 1782 actions against the LAPs' "cleansing" experts.	PX 1329; PX 1330; PX 1334; PX 1335; PX 1336; PX 1338

MAIL AND WIRE FRAUD APPENDIX:
3. CABRERA GHOSTWRITING FRAUD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
		Virginia, Southern District of Ohio			
81.	6/26/2012	U.S. District Court, Southern District of Florida	Defendants	The LAPs file the misleading Fajardo Declaration in the Banco Pichincha 1782 action in the Southern District of Florida.	PX 1340

MAIL AND WIRE FRAUD APPENDIX:
4. ZAMBRANO BRIBERY & JUDGMENT GHOSTWRITING

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
82.	6/5/2009	Donziger	Pablo Fajardo	Fajardo tells Donziger that he will assign intern Brian Parker some research for “our legal alegato and the judgment, but without him knowing what he is doing.”	PX 1137 at 1
83.	6/18/2009	Julio Prieto, Juan Pablo Sáenz, Donziger	Pablo Fajardo	Fajardo circulates materials for the LAPs’ “alegato and” Portions of these materials, including an email regarding the use of a post-judgment trust, appear verbatim in the judgment.	PX 437
84.	9/15/2009	Juan Pablo Sáenz, Julio Prieto, Luis Yanza, Donziger	Pablo Fajardo	Fajardo emails Donziger and the Ecuadorian legal team updating them on the status of the “puppeteer.” He says “I think that everything is quiet The puppeteer is pulling the string and the puppet is returning the package By now it’s pretty safe that there won’t be anything to worry about The puppet will finish off the entire matter tomorrow I hope they don’t fail me” Saenz responds, “[I]et’s cross our fingers.”	PX 1753 at 1
85.	10/27/2009	Luis Yanza, Donziger	Pablo Fajardo	Fajardo sends Donziger and Yanza an email with subject “NEWS.” The email says only, “The puppeteer won’t move his puppet unless the audience pays him something...”	PX 1751
86.	12/29/2009	Donziger, Luis Yanza	Pablo Fajardo	After Donziger explains that he told “the new law firm” that “the judgment will be issued no later than May-June,” Fajardo updates him on the status of the judgment:	PX 1202

MAIL AND WIRE FRAUD APPENDIX:
4. ZAMBRANO BRIBERY & JUDGMENT GHOSTWRITING

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				“Comrade, the thing is more or less under control. Those times I provided there are not real . . . for sure they are far less. When you come I’ll tell you the details, which I can’t share by email. I think the plan for the judgment will be fulfilled. I’m not 100 percent sure, but I’m 99.99 percent sure.”	

MAIL AND WIRE FRAUD APPENDIX:

5. DONZIGER PRESSURE CAMPAIGN

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
87.	11/11/2004	Cristobol Bonifaz, Alberto Wray, others	Donziger	Donziger e-mails Bonifaz and others on the LAP team informing them of “good news on the investor front.” Donziger says that Alan Hevesi will host a meeting on November 22 at his office “for several shareholders and high-level ChevTex officials. Hevesi will likely co-sponsor the shareholder resolution against CVX on the Ecuador issue, and CALPERS has pledged to vote for it. . . . the fact Hevesi is willing to make this commitment is huge.”	PX 708
88.	5/10/2005 through 5/30/2005	Cristóbal Bonifaz	Donziger, Alberto Wray, Joseph Kohn	Donziger and Bonifaz discuss pushing Ecuador to file criminal charges against Chevron attorneys: “[I]f this penal case is brought, this will be on the wires all over the world and it will really raise the cost to CVX.” Donziger agrees to prepare a document for the Procurador, and Bonifaz follows up with him a few weeks later, asking for the document “so that I can try to get the Procurador to file the criminal charges for fraud.” Donziger responds that Olga Lucia Gomez will be sending it the next day, and Bonifaz exclaims, “Great. You have no idea how important this is going to be for the case.”	PX 2373R; PX 2373#
89.	10/3/2005	Joseph Kohn	Donziger	Donziger sends “Roll-Out Plan” memorandum to Kohn, outlining steps to take “in order to fully leverage the criminal investigation of the Chevron executives.” Donziger’s plan also discusses other aspects of the pressure campaign.	PX 734

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
90.	11/1/2005	Chris Lehane, Joseph Kohn	Donziger	Donziger sends Chris Lehane and Joe Kohn a letter to send to the SEC regarding the Lago Agrio litigation and discusses whether it would be preferable for Amazon Watch to sign the letter or whether it would be more effective for the purpose of the pressure campaign if the letter were signed only by shareholders: "In terms of press coverage, do you think it would be more effective for AW to send the SEC letter quickly (like next week), with Hevesi hopefully following up in a few weeks referencing it, or wait longer and try to possibly get Hevesi to sign the letter with the other shareholders without AW so it is a shareholder letter rather than an activist letter?"	PX 736
91.	1/24/2006	Simeon Tegel	Donziger	Donziger instructs Simeon Tegel of Amazon Watch to send the SEC letter and related press release in connection with the pressure campaign: "working on both right now. I am swamped. just send the letter and memo to sarah and let her finalize them and I will go with that."	PX 748
92.	2/1/2006	Atossa Soltani, Simeon Tegel, Leila Salazar-Lopez	Donziger	Donziger emails Amazon Watch instructing them to take further steps with respect to the SEC aspect of the pressure campaign: "You guys did a great job with that SEC ltr. I suggest AW seek a meeting with Cox or one of his deputies in Washington at the SEC to press for them to open a real investigation . . . U can get a lot of legs out of this if it is exploited with a little follow-up. The key here to your strategy as I see it is to keep this alive and active so it is hanging over their heads as long as possible, and so it can	PX 759

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				be used to get other shareholders to write their own ltrs.”	
93.	2/23/2006	Atossa Soltani, Leila Salazar- Lopez, Simeon Tegel	Donziger	Donziger emails Amazon Watch instructing them to send a letter to the SEC—despite lacking new remediation cost estimates—without disavowing the Russell cost estimate: “I think u should send the SEC letter ASAP, making that slight change that another report will be coming with a multi-billion damage figure, without disavowing or mentioning Russell's report. My concern is that if we wait until next week, we might really miss the opportunity because they could end the investigation before then, and we will certainly miss the momentum.”	PX 768
94.	6/14/2006	Alejandro Ponce Villacís	Donziger	Donziger instructs Alejandro Ponce Villacis to “prepare a detailed plan with the necessary steps to attack the judge through legal, institutional channels and through any other channel.”	PX 779
95.	7/12/2006	Daria Fisher Page, Aaron Marr Page	Donziger	Donziger instructs his interns to continue “feeding” the SEC material while acknowledging, “I sort of feel this is bogus.”	PX 781
96.	8/4/2006	Benjamin Goldstein	Donziger	Donziger emails Ben Goldstein a draft letter to the U.S. Department of Justice and the U.S. Securities and Exchange Commission asking them to “investigate recent acts by the Chevron Corporation in Ecuador that appear to violate the Foreign Corrupt Practices Act,” and instructs him to “[p]ut	PX 787

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				it all together like I showed you.”	
97.	2/7/2007	Kevin Koenig	Donziger	Donziger asks Amazon Watch about potential contacts within Comptroller DiNapoli’s office, and tells them that “the advantage of a guy like this [referring to DiNapoli] is that he is political, meaning, if we show him how he can look good going after chevron [sic], he might be even more likely to help us.”	PX 7420
98.	2/27/2007	Simeon Tegel, Kevin Koenig	Donziger	Donziger instructs Amazon Watch to prepare for the imminent announcement of Cabrera’s appointment in order to maximize its impact for the pressure campaign: “We need to get our shit together, because tomorrow (Wed) the judge is issuing a very important announcement that will name the perito for the final damages assessment and provide a strict time frame to complete it. We want to get the press release up on the site as soon as possible as soon as it happens. The draft of a release is attached. We also want it out on the PR newswire if possible. I also need feedback on the open letter to the shareholders.”	PX 829
99.	3/20/2007	Maria Guadalupe De Heredia	Donziger	Donziger instructs the LAP team to work harder to conceal the ROE’s efforts to influence the case in the LAPs’ favor: “The press release about the President is putting us at risk. We have to be very, very careful. The press release portrays Correa and his government as meddling in the case in our favor. That’s bad because that gives Texaco a weapon to attack us with now and in the future when the case goes	PX 841; PX 2374

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				back to the United States The idea that he's 'helping us' with evidence is terrible for the case's image. It looks like the case is more of a circus than justice.”	
100.	8/27/2007	Raul Herrera, Manuel Garcia	Donziger	Donziger instructs Raul Herrera and A Manuel Garcia and to bring up the following topics in their meeting with the Procurador: “1)Try to re-ignite his interest in the fraud complaint to the DOJ originally made by Borja. It would be great if he could write another letter to the DOJ to keep it alive, and allow us to exploit it for press purposes. 2) Find out about the issue of gov expenditures in Sucumbíos and Orellana.”	PX 907
101.	9/3/2007	Pablo Fajardo, Lupita Heredia, Julio Prieto, Juan Pablo Sáenz	Donziger	Donziger expresses his anger about the potential “disaster” that would take place if Havoc were inspected, and proposes was in which the Havoc inspection can be stopped: “We accuse them all, including the judge, of CORRUPTION for still even thinking of ordering an illegal inspection with no basis in the law in order to favor a corrupt transnational that is killing innocent Ecuadorians ... Every time there is a meeting with the Judge on the HAVOC matter, we go with a camera to film the corrupt people and we tell the media that an 'event' is going to take place, like that time two years ago with me and Luiz (sic).”	PX 909
102.	1/8/2008	Andrew Woods	Donziger	Donziger instructs Andrew Woods that in order to “deliver[] a bunch of checks to DeNapoli [sic] today,” Woods needs to “[f]ind my personal check book (the little one) and write a	PX 1095

MAIL AND WIRE FRAUD APPENDIX:

5. DONZIGER PRESSURE CAMPAIGN

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				check to DeNapoli [sic] 2010 and sign my name.” Donziger then instructed Woods to call him before delivery, because he was “worried this might not be a great idea.”	
103.	3/17/2008	Cristopher Cox, Chairman, SEC	Amazon Watch	Atossa Soltani of Amazon Watch sends a 9-page letter to Christopher Cox, SEC Chairman, to “follow up on our request in January 2006 that the SEC impose sanctions on [Chevron] for violations of its disclosure obligations[.]” The letter cites the \$6 billion cost estimate and refers to Cabrera as “independent.” A March 17 email shows that Steven Donziger helped draft this letter.	PX 497#
104.	7/11/2008	Karen Hinton	Donziger	In response to Karen Hinton’s email stating that she “spoke with Andrew Cuomo this morning and told him about the lawsuit and the comptroller's office, etc.,” Donziger instructs Hinton to schedule a meeting with Cuomo and Ben Barnes.	PX 1048
105.	8/11/2008	Maria Garces, Luis Yanza, Pablo Fajardo, Maria Eugenia Lopez, Joseph Mutti, Julio Prieto, Juan Pablo Sáenz, Karen Hinton	Donziger	Donziger emails the LAPs' communications team instructing them to tell the Correa administration not to discuss their support for the LAPs publicly: “We've been totally screwed by Isabela Ordonez, that bitch reporter from Dow Jones in Houston, who is Ecuadorian. She's written three articles . . . they're very biased in favor of Chevron . . . I suggest a strategy: 1) We put a memo on the web site about Ordonez with all the incorrect facts. 2) We explain to all the ministers and to Correa that they shouldn't say ANYTHING public about the case except that the	PX 1058

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				government has nothing to do with it. That is key. What Correa said on Saturday was terrible, and it's half our fault for not having told him. 3) When we see foreign journalists who are obviously biased, let's not give them interviews, and let's manage it from here with their bosses and through Karen. And let's warn the judges and others in Ecuador about suspicious journalists.”	
106.	4/2/2009	Mitch Anderson, Kevin Koenig, Atossa Soltani	Donziger	Donziger sends a draft letter for Andrew Cuomo to Amazon Watch requesting comment. Donziger’s draft represents Cabrera as “a court-appointed technical expert.”	PX 7441
107.	4/22/2009	Alexis Mera, Luis Yanza	Donziger	Donziger emails Alexis Mera requesting a meeting with Correa: “Mr. Yanza and I would like to request an appointment with you and President Rafael Correa for May 4, 5, or 6 . . . The topic of the meeting we are seeking is to explain new details about Chevron's strategies in Washington against the government of Ecuador and steps that President Correa can take to neutralize Chevron . . . “	PX 1126
108.	5/4/2009	Chevron	Attorney General Andrew Cuomo	New York State Attorney General Andrew Cuomo writes a letter to Chevron regarding the potential liability associated with the Lago Agrio litigation. The letter says, among other things, “Given the fact that both New York State and New York City public pension funds hold substantial Chevron shares and that many New Yorkers are also shareholders (including Amnesty International USA), this office has an	PX 1131

**MAIL AND WIRE FRAUD APPENDIX:
5. DONZIGER PRESSURE CAMPAIGN**

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				interest in ensuring that public statements about the litigation are accurate and complete.” The letter also states that “a technical expert has estimated . . . damages assessed against Chevron may be as high as \$27 billion,” using language similar to that used by the LAP team.	
109.	5/25/2009	Chevron Shareholders	Amazon Watch	Letter from Amazon Watch to Chevron Shareholders alleging Chevron management had “failed to adequately discharge their fiduciary duties” by misrepresenting the Company’s liabilities in Ecuador.	PX 7542
110.	6/21/2009	Juan Pablo Sáenz, Pablo Fajardo, Julio Prieto, Luis Yanza	Donziger	Fajardo emails the LAPs' legal team informing them about an article in El Universo which calls on the state to “spend \$96 million to remediate the environmental waste, including that left by Chevron.” Donziger replies and instructs Juan Pablo Sáenz: “You have to go to Correa to put an end to this shit once and for all.”	PX 1142

MAIL AND WIRE FRAUD APPENDIX:
6. DONZIGER FRAUD UPON KOHN AND BURFORD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
111.	6/14/2005	Carol Kusner (Kohn Swift & Graf), Joseph Kohn	Donziger	Donziger emails Carol Kusner of KSG wire transfer account information, copying Kohn, describing the account set up for transfers of money to Ecuador: “[W]e have a separate bank account in Ecuador just to administer the funds for the case. This account is in the name of Selva Viva, a company we created here that is owned by the leaders of the case, namely Luis Yanza. I am an officer of this company, which is a pass-through vehicle for funds for the case. In the future, all payments that go into Ecuador for either the tech or legal teams will go to Selva Viva where this account will distribute them as appropriate.”	PX 732; 2137; PX 2142; PX 2147; PX 4900 (Dahlberg) ¶¶ 7d, 77
112.	10/27/2005	Joseph Kohn	Donziger	Kohn emails Donziger that he is wiring money to the Ecuadorian attorneys as well as Amazon Watch: “I am sending 50k to Luis by friday and will send a second 50 in a week or two.” Donziger responds: “Please never take my requests for money to be presumptuous. I know you are committed to this ... Also, if you could process at least one of my old invoices, I would be most appreciative.”	PX 735
113.	6/12/2007	Luis Yanza	Donziger	Donziger and Yanza discuss the details of the secret account and how to fund it. Donziger asks Yanza “How do you want to do the second account?” Yanza recommends that the bank account should be “a savings account at a Quito bank in the name of someone absolutely trustworthy” and	PX 869; PX 870; PX 871; PX 912; PX 4900

MAIL AND WIRE FRAUD APPENDIX:
6. DONZIGER FRAUD UPON KOHN AND BURFORD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
				names Donald Moncayo as one possibility. Yanza also suggests that “[g]iven the urgency . . . 5,000 or 10,000 [dollars] be sent to my personal account and I can transfer it to the new secret account.” Donziger asks whether they need more money for the new account. Yanza tells Donziger, “the first wire transfer is only to open the other account. Once we have the other account I’ll immediately transfer all the money to that account.” He also tells Donziger that he needs at least \$2,000 to open the secret account. Donziger asks whether the \$100,000 recently transferred from Kohn to the Selva Viva Account ending in 5004 can be used to open the other account. Yanza then tells Donziger, “The expert has been sworn in. We are very happy here at the office. Pablo is arriving in 15 minutes.” A few hours later, he tells Donziger, “The most pressing thing is to get confirmation on whether JK already sent it today, to get the paperwork started right now. What I don’t know is whether I should open it in Lupe or Donald’s name. I prefer Lupe because the account would be opened in Quito and that would make things easier since we’re in Quito, although I trust Donald.”	(Dahlberg) ¶¶ 116-18
114.	7/25/2007	Joseph Kohn, Karen Wilson	Donziger	Donziger instructs Kohn to wire money for payment to Fernando Reyes: “CAN U PLEASE WIRE 3,000 TO THIS INDIVIDUAL, FERNANDO REYES . . . HE IS AN EXPERT ON REINJECTION TECHNOLOGY AND HIS WORK IS EXTREMELY IMPORTANT.”	PX 887

MAIL AND WIRE FRAUD APPENDIX:
6. DONZIGER FRAUD UPON KOHN AND BURFORD

NO.	DATE	TO	FROM	DESCRIPTION	SOURCES
115.	9/16/2007	Karen Wilson	Donziger	Donziger instructs Karen Wilson in Kohn's office to transfer the \$50,000 to the secret account: "The 50,000 to the Frente goes to the second account -- the one Kathy was questioning a few weeks ago, not the primary account to which we usually transfer funds."	PX 916
116.	2/8/2008	Kohn	Donziger	Donziger instructs Kohn to send \$80,000 to Stratus and \$20,000 to the Banco Pichincha account in the name of the Amazon Defense Front ending in 9800.	PX 965
117.	3/5/2008	Donziger	Karen Wilson	Karen Wilson asks Donziger where to send a wire transfer and lists the information for the Amazon Defense Front account ending in 9800, the secret account, and the Selva Viva account ending in 5004. Donziger responds that the wire transfer should be sent to the Selva Viva account "the one you usually send wires to."	PX 984